IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7734 of 2005

Between:

Chinthala Bhumaiah S/o Late Chinthala Shankaraiah
R/o H. No. 3-1-3/1, New Market, Medak Town & District

..... PETITIONER

AND

The Municipal Commissioner, Municipal Council, Medak

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent in not granting the permission to the petitioner to construct a shop in the 17 sy. Yards at Vegetable Market, Medak Town and District on submission of the application dt 19-2-2005 till today is illegal, arbitrary and violative of principal of natural justice and consequently direct the Respondent to consider the application dt 19-2-2005 submitted by the petitioner to the Respondent and grant permission to make construction in the 17 Sy. yards at Vegetable Market, Medak Town and District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.V.CHALAPATHI RAO

Counsel for the Respondent: MR.P.RADHAKRISHNA, SC for Municipality.

This Court at the admission stage made the following:

–

–

–

–

O R D E R:

The petitioner claims that an extent of 17 square yards of land at the Vegetable Market situated in New Market Area of Medak town was allotted to his father in lieu of 17 square yards of land situated in premises bearing No.3-1-3/1 acquired for the purpose of road-widening in the year 1965. Subsequently by proceedings dated 1-7-1966 the respondent Municipality permitted the father of the petitioner to construct a shop in the area allotted and the father of the petitioner has also paid the construction fee. After the death of his father, on a representation made by the petitioner, his name was mutated in the Municipal Records. It is stated that due to financial difficulties, his father could not construct a shop in the allotted area and after his death the petitioner sought permission from the respondent to construct a shop in the land allotted to him at the vegetable market. However, his application was rejected on 20-12-2004 under a mistaken impression that the petitioner sought permission to make construction at House No.3-1-3/1. The petitioner submitted another representation dated 19-02-2005 along with the proposed site plan and clarifying that the permission is sought to construct a shop at the market yard in 17 square yards of land allotted to his father in the year 1965.

The grievance of the petitioner is that the respondent failed to consider his request and no orders have been passed so far on his application dated 19-02-2005. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary

and illegal.

I have heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

The learned Standing Counsel states that since the petitioner has clarified the objection raised by the Municipality about the construction at premises bearing No.3-1-3/1 and made it clear that he proposed to make construction in 17 square yards of land allotted in the market yard, the respondent will consider the same in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the respondent to consider the representation dated 19-02-2005 submitted by the petitioner and to pass appropriate orders, in accordance with law, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

_____

(**G. ROHINI, J**)

Date: 08-04-2005

ghn

To

1 The Municipal Commissioner, Municipal Council, Medak

2 2 CD copies

3 1 CC to MR.CHALAPATHI RAO

*Form-NIC-OGS/WP{**TRT**}*